

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Fostering Innovation and Investment in the)	GN Docket No. 09-157
Wireless Communications Market)	
)	
A National Broadband Plan for Our Future)	GN Docket No. 09-51

To: The Commission

**COMMENTS OF PCIA—THE WIRELESS INFRASTRUCTURE ASSOCIATION
AND
THE DAS FORUM (A MEMBERSHIP SECTION OF PCIA)**

I. INTRODUCTION

PCIA—The Wireless Infrastructure Association (“PCIA”) and The DAS Forum, a membership section of PCIA (“The DAS Forum”), hereby submit these reply comments in the above captioned proceeding.¹

PCIA and The DAS Forum believe that comments filed in this proceeding have demonstrated the innovations and investments that are taking place to bring wireless broadband services to all Americans. Further, the record has demonstrated that though wireless infrastructure is the enabler of all other downstream wireless innovations, there remain obstacles to its deployment. Yet, as comments show, there are steps that the Federal Communications

¹ PCIA is a non-profit national trade association representing the wireless infrastructure industry. PCIA’s members develop, own, manage, and operate over 125,000 towers, rooftop wireless sites, and other facilities for the provision of all types of wireless services. The DAS Forum, a membership section of PCIA, is a nationwide non-profit association dedicated to the development of distributed antenna systems (“DAS”) as a component of our nation’s wireless infrastructure.

Commission (“Commission”) can take to allow for the rapid deployment of wireless infrastructure necessary to fully enable the wireless broadband future.

II. FCC ACTION TO EXPEDITE WIRELESS INFRASTRUCTURE DEPLOYMENT SHOULD CONSIDER ALL PIECES OF THE SITING PROCESS IN CONCERT

PCIA and The DAS Forum applaud Chairman Genachowski’s recent announcement that the Commission would “move forward with a shot-clock proposal designed to speed the process [of wireless infrastructure deployment] while taking into account the legitimate concerns of local authorities.”² This is an important step towards ending the zoning delays that the record demonstrates “frustrate wireless company efforts to meet Commission buildout requirements and slow deployment of broadband services that will benefit consumers.”³ Numerous commenters have recommended this course of action⁴ and PCIA believes that this is a significant step towards enabling the types of wireless innovations that the Commission envisions for the future.⁵

While acting on the pending *Petition*⁶ is an important first step, it is important that the Commission assess the effects of all of its actions that affect wireless infrastructure deployment. The Commission should ensure that the steps it takes to expedite the local wireless infrastructure siting process are not offset by unnecessary delays in other proceedings, including its open

² Julius Genachowski, Chairman, Fed. Comm’n Comm’n, Address at International CTIA Wireless IT & Entertainment: America’s Mobile Broadband Future (Oct. 7, 2009).

³ Comments of Verizon Wireless, WT Dkt. 09-157 at 185 (Sept. 30, 2009).

⁴ See Comments of T-Mobile, WT Dkt. 09-157 at 28-29 (Sept. 30, 2009) (“To help ensure that new wireless services are deployed expeditiously, the Commission should set a federal shot clock of 45 days for final action on collocation requests and 75 days for ruling on all other state and local tower siting applications.”). See also Comments of Google, WT Dkt. 09-157 at 14 (Sept. 30, 2009); Comments of United States Cellular Corp., WT Dkt. 09-157 at 18 (Sept. 30, 2009).

⁵ See Comments of PCIA—The Wireless Infrastructure Association and The DAS Forum, WT Dkt. 09-157 at 6-7 (Sept. 30, 2009) (noting that PCIA members have seen expedited deployment times in a state that has streamlined the collocation process) (“PCIA/DAS Forum Comments”).

⁶ *In re: Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B) to Ensure Timely Siting Review and to Preempt under Section 253 State and Local Ordinances that Classify All Wireless Siting Proposals as Requiring a Variance*, CTIA—The Wireless Association, WT Dkt. 08-165 (filed Jul. 11, 2008).

proceeding to address the U.S. Court of Appeals for the D.C. Circuit's remand of *American Bird Conservancy, Inc. v. FCC*.⁷

PCIA congratulates the Commission on its recent meeting of stakeholders in this proceeding,⁸ which provided a useful dialogue towards meeting the concerns of environmental groups while also recognizing the value of infrastructure. PCIA continues to urge the Commission to exclude certain classes of tower structures from the notice procedures it is crafting so as to not unduly burden wireless infrastructure siting.⁹ These exclusions would create regulatory certainty and allow wireless infrastructure providers to continue to deploy the infrastructure necessary for wireless broadband without unnecessarily impeding the process through the delays associated with notice and comment periods on proposed infrastructure. PCIA looks forward to continued participation with the Commission and relevant stakeholders to craft reasonable categorical exclusions. Through these discussions and appropriate exclusions, the Commission can ensure that it is not taking a step to expedite infrastructure deployment in its action on the *Petition*, while simultaneously and unnecessarily delaying infrastructure deployment through inaction on another proceeding.

III. THE COMMISSION SHOULD TAKE STEPS IN ITS CURRENT POLE ATTACHMENT PROCEEDING TO ALLOW WIRELESS INFRASTRUCTURE DEVELOPMENTS

As PCIA and The DAS Forum explained, DAS is an emerging deployment tool that enables wireless communications “to fill in wireless coverage or capacity in communities where siting conditions make it impractical or infeasible to deploy traditional tower-based cell sites.”¹⁰ DAS currently experiences regulatory hurdles to deployment and the Commission can take steps

⁷ 516 F.3d 1027 (D.C. Cir. 2008).

⁸ Notice of Ex Parte of Lee Martin, Attorney, Administrative Law Division, Office of the General Counsel, FCC, WT Docket Nos. 08-61, 03-187 (Oct. 30, 2009).

⁹ PCIA/DAS Forum Comments at 8.

¹⁰ *Id.* at 12.

to foster this emerging tool through its action on the pole attachment docket.¹¹ PCIA and the DAS Forum support those commenters who urge the Commission to ensure that wireless attachments are given access to utility poles at equitable rates, terms and conditions.¹² PCIA and The DAS Forum urge the Commission to act expeditiously upon the recommendations contained in this docket as well as those that it has previously provided in the pole attachment docket, which has now been ongoing for two years.¹³

IV. CONCLUSION

PCIA and the DAS Forum encourage the Commission to continue to take steps to foster wireless innovation by removing obstacles to the timely deployment of wireless infrastructure that enables all downstream innovations. We ask the Commission to remove barriers to the wireless infrastructure deployment process and thereby enable robust and innovative wireless services for all Americans.

¹¹ *In re*: Implementation of Section 224 of the Act; Amendment of the Commission's Rules and Policies Governing Pole Attachments, WC Dkt. 07-245, RM-11293, RM-11303, Notice of Proposed Rulemaking, FCC 07-187, 22 FCC Rcd. 20195 (Nov. 20, 2007).

¹² *See, e.g.*, Comments of T-Mobile at 29 (urging the Commission to adopt rules that allow timely access and also uniform and objective safety standards and rates). *See generally* Comments of ExteNet Systems, Inc. WT Dkt. 09-157 (Sept. 30, 2009); Comments of Newpath Networks, Inc., WT Dkt. 09-157 (Sept. 30, 2009); Comments of NextG Networks, Inc.

¹³ Comments of Broadband & Wireless Pole Attachment Coalition, WC Dkt No. 07-245 (Feb. 23, 2009) ("BWPA Proposal"); Comments of PCIA—The Wireless Infrastructure Association and The DAS Forum; Sunesys, LLC.; NextG Networks, Inc.; ExteNet Systems, Inc.; NewPath Networks, LLC; Sprint-Nextel Corporation, WC Dkt. 07-245 (Mar. 27, 2009) ("Wireless Pole Attachment Letter").

Respectfully submitted,

PCIA—THE WIRELESS INFRASTRUCTURE ASSOCIATION

and

THE DAS FORUM (A MEMBERSHIP SECTION OF PCIA)

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